

Application No.: 10/591,372
Filing Date: June 25, 2007

REMARKS

In response to the Interview conducted on December 1, 2009 and the Office Action dated October 30, 2009, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Personal Interview

Applicant would initially like to thank Examiner Lewis for the courteous interview extended to Applicant's representatives. In this Amendment, Applicant has amended this application as suggested during the interview.

Objection to the Drawings

In the Office Action, the new drawings filed July 15, 2009 stand objected to under 37 C.F.R. § 1.121(d) as being misidentified as "replacement sheet" when they are in fact new sheets of drawings containing new additional Figures from those Figures originally filed. In response, Applicant hereby resubmits the drawings filed on July 15, 2008. These drawings are now labeled as "new sheets."

The new drawings also stand objected to under 35 U.S.C. § 132(a) as introducing new matter into the disclosure. With respect to the new matter rejection, Applicant respectfully traverses the rejection. The Office Action states that the "original disclosure does not support the thread/groove coarseness, height, spacing, shape and pitch as specifically illustrated in the newly filed drawings." Office Action page 2. Applicant respectfully notes that patent drawings are traditionally not to scale unless specifically noted. Accordingly, the new drawings submitted by Applicant do not disclose a specific coarseness, height, spacing, shape and/or pitch. To advance prosecution, Applicant has amended the Specification to emphasize that Figures 1A-1D are schematic illustrations that do not disclose a specific coarseness, height, spacing, shape and/or pitch

The Office Action also states, "The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 'bridge' of claims 40, 53 and 81; the 'key engagement' of claims 50, 64 and 91; and the dental implant having first, second, third and fourth inner surfaces as required by new independent claim 65 must be shown or the feature(s) canceled from the claim(s)."

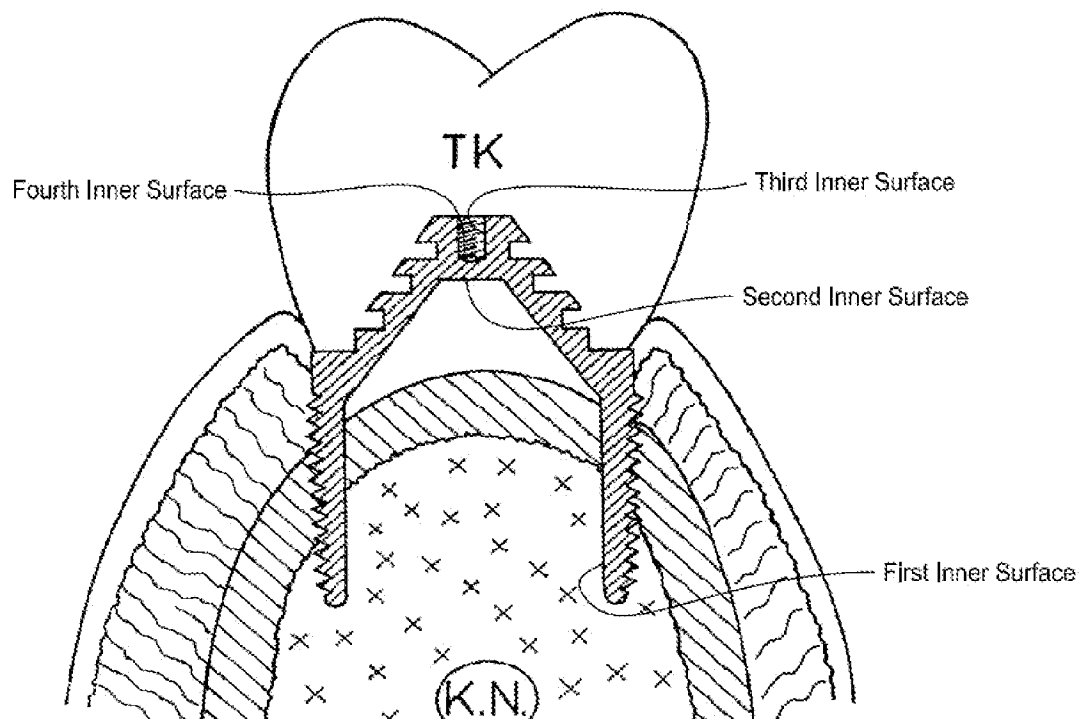
In this amendment, Applicant has canceled with out prejudice Claims 40, 50, 53, 64, 81 and 91.

Objection to the Specification

The specification is objected to under 37 CFR 1.77(c) for lacking the section headings. Applicant has amended the specification as provided above, to add section headings, and thus this objection to the specification has been overcome.

In addition, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Office Action states, "The specification provides no apparent basis for the "first inner surface" and "second inner surface" language used throughout the claims; the "third inner surface" and "fourth inner surface" language of new independent claim 65.

As explained during the personal interview, the inner surfaces refer to the bores at the apical and coronal end of the dental implant. With reference to the annotated figured from the application inserted below, the first and second inner surface form an apical facing opening while the third and fourth inner surface form a coronal facing bore with threads.



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In light of the above-explanation, the Examiner indicated during the personal interview the objection to Claim 64 would be withdrawn

The Office Action also objects to the "bridge" of claims 40, 53 and 81 and; the "key engagement" of claims 50, 64 and 91." As stated above, Claims 40, 50, 53, 64, 81 and 91 have been canceled.

Rejection under 35 U.S.C. § 112, first paragraph

In the Office Action, Claims 40, 50, 53 and 64 and 91 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement and written description requirements. As stated above, Claims 40, 50, 53, 64, 81 and 91 have been canceled.

With respect to Claim 65-91, Applicant respectfully directs the Examiner to the explanation provided above for the first, second, third and fourth inner surfaces.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 23-36, 42 and 51-91 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claims 23 and 65, Applicant has amended these claims to address the rejection made in the Office Action

Applicant has canceled Claims 42, 56 and 83 to remove the duplicate claims.

With respect to claims 65-91, Applicant respectfully directs the Examiner to the explanation provided above.

Double Patenting

Applicant notes the provisional double patenting rejection over co-pending Applications Nos. 11/035,266 and 10/587,497. Applicant respectfully requests this provisional rejection be held in abeyance until subject matter is allowed in the cases of the '266 or '497 applications.

Rejection under 35 U.S.C. § 102(e)

In the Office Action, Claims 1-4, 7, 10, 11, 17-20, 23-26, 28-34, 37-39, 41, 45-52, 54, 55, 59-68, 70-76, 79, 80, 82, and 86-91 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cantor.

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Applicant previously submitted a declaration under 37 C.F.R. §1.131 to remove Cantor as a prior art reference. However, the Office Action states that 1) that Cantor claims the same invention as that of the present application and thus a 1.131 declaration can not be used to overcome Cantor and 2) the declaration must state that the apparatus existed and worked for its intended purpose.

Applicant submits that the Cantor application does not claim the same patentable invention as that of the present application. The same patentable invention as defined in 37 CFR § 41.203(a) states, “An interference exists if the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party and vice versa.” The Cantor application claims at least one feature that is not claimed in the pending claims. Specifically, the Cantor application claims (as pending in the U.S. Patent office) an internal thread having the pitch of the external thread, as recited in pending Claim 1 of the Cantor application. The pending claims do not claim an internal thread having the pitch of the external thread and thus would not anticipate or render obvious the subject matter claimed in the Cantor application. Consequently, since the Cantor application does not claim the same invention as that of the present application, the Applicant submits that use of a 37 CFR § 1.131 declaration is proper.

With respect to the requirement that the declaration must state that the apparatus existed and worked for its intended purpose, Applicant submits with this Amendment a new declaration that addresses this informality.

The new declaration also asserts actual reduction to practice with respect to the various dependent claims that are rejected as anticipated by Cantor.

Dependent Claims 7, 10, 11, 25, 28, 30 and 70 have been canceled without prejudice and are not addressed in the new declaration.

With respect to dependent Claims 37-39, 41, 51, 52, 54, 55, 79, 80 and 82, these claims are directed to the combination of a dental implant with a dental component such as a tooth crown or tooth prosthesis. As stated in MPEP 715.02,

Even if applicant's 37 CFR 1.131 affidavit is not fully commensurate with the rejected claim, the applicant can still overcome the rejection by showing that the differences between the claimed invention and the showing under 37 CFR

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1.131 would have been obvious to one of ordinary skill in the art, in view of applicant's 37 CFR 1.131 evidence, prior to the effective date of the reference(s) or the activity. **Such evidence is sufficient because applicant's possession of what is shown carries with it possession of variations and adaptations which would have been obvious, at the same time, to one of ordinary skill in the art.** (Emphasis added).

Applicants respectfully submits that MPEP 715.02 applies to dependent Claims 37-39, 41, 51, 52, 54, 55, 79, 80 and 82, which are directed to the combination of a dental implant with a dental component such as a tooth crown or tooth prosthesis. As the Examiner knows, dental implants are used to support a tooth components such as abutments, crowns and prostheses. As evidence that is well known in the prior art to use dental implant with dental components such as a tooth crowns or tooth prosthesis, Applicant respectfully directs the Examiner to, for example, U.S. Patent No. 6,527,554 (published March 2003), which shows dental implant that supports an dental component (e.g., an abutment 46) and a dental prosthesis 52 in Figures 2 and 3A. U.S. Patent No. 6,431,867 (published August 2002), which shows an abutment 73 (Figure 3) and a crown 91 (Figure 3) in combination with a dental implant.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, Claims 6, 21, 27, 35, 42, 56, 69, 77 and 83 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cantor in view of Zuest. In addition, Claims 19, 20, 33 and 34, 75 and 76 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cantor in view of Hansson et al. Claims 22, 36, 40, 43, 44, 53, 57, 58, 78, 81, 84 and 85 stand rejected under §35 U.S.C. 103(a) as being unpatentable over Cantor.

As discussed previously, Applicant has submitted a declaration to remove Cantor as a prior art reference. Accordingly, Applicant respectfully submits that these rejections have been overcome.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or

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other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/035,266	ANCHORING ELEMENT FOR USE IN BONE	01/12/2005
10/587,497	ANCHORING ELEMENT FOR USE IN BONE	07/20/2007
11/250,900	FIXTURE FOR ANCHORING IN JAW BONE	10/14/2005
10/582,586	ARRANGEMENT AND SYSTEM FOR ANCHORING OF AN IMPLANT AND INSTALLATION ON THE IMPLANT OR IMPLANTS	04/11/2007

CONCLUSION

Applicant respectfully submits that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, Applicant respectfully requests that the Examiner indicate that the pending claims are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the

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amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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